

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JENNIFER LYNN JOLLY

Registered Nurse License No. 562189

Respondent

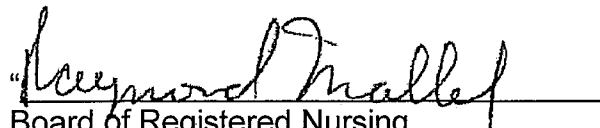
Case No. 2013-174

**ORDER CORRECTING CLERICAL ERROR IN
DECISION AND ORDER**

On its own motion, the Board of Registered Nursing (hereafter "Board") finds that there was a clerical error in the Decision and Order in the above-entitled matter and that such clerical errors should be corrected so that it will conform to the Board's intention as follows:

1. On or about February 26, 2013 a Decision and Order was issued adopting the Proposed Decision which erroneously showed the signature Louise R. Bailey as Board President.

IT IS HEREBY ORDERED that the signature on that Decision and Order in the above-entitled matter be and is hereby amended and corrected nunc pro tunc as should be as follows:


Board of Registered Nursing,
President
Department of Consumer Affairs
State of California"

IT IS SO ORDERED this 28th day of February, 2013.


BOARD OF REGISTERED NURSING,
PRESIDENT
DEPTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-174

13 **JENNIFER LYNN JOLLY**

14 1000 N. Lasalle, Apt. 608
15 Chicago, IL 61110

DEFAULT DECISION AND ORDER

16 Registered Nurse License No. 562189

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about September 7, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs, filed Accusation No. 2013-174 against Jennifer Lynn Jolly ("Respondent")
23 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

24 2. On or about January 20, 2000, the Board of Registered Nursing ("Board") issued
25 Registered Nurse License No. 562189 to Respondent. The Registered Nurse License expired on
26 July 31, 2001, and has not been renewed.

27 3. On or about September 7, 2012, Respondent was served by Certified and First Class
28 Mail copies of the Accusation No. 2013-174, Statement to Respondent, Notice of Defense,

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
2 and 11507.7) at Respondent's address of record which, pursuant to California Code of
3 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
4 Respondent's address of record was and is:

5 1000 N. Lasalle, Apt. 608
6 Chicago, IL 61110

7 4. On or about October 1, 2012, Respondent was served by Certified and First Class
8 Mail copies of the Accusation No. 2013-174, Statement to Respondent, Notice of Defense,
9 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
10 and 11507.7) at an additional address:

11 5704 Spring Brook Rd.
12 Rockford, IL 61114

13 5. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
15 124.

16 6. On or about October 2, 2012, the documents described in paragraph 3 were returned
17 by the U.S. Postal Service marked "Return to Sender Attempted-Not Known Unable to Forward
18 Return to Sender." The address on the documents was the same as the address on file with the
19 Board. Respondent failed to maintain an updated address with the Board and the Board has made
20 attempts to serve the Respondent at the address on file. Respondent has not made herself
21 available for service and therefore, has not availed herself of her right to file a notice of defense
22 and appear at hearing.

23 7. On or about October 9, 2012, the Board received the signed certified mail receipt
24 described in paragraph 4. As of November 5, 2012, the First Class Mail described in paragraph 4
25 was not returned as undeliverable.

26 8. Government Code section 11506 states, in pertinent part:

27 (c) The respondent shall be entitled to a hearing on the merits if the respondent
28 files a notice of defense, and the notice shall be deemed a specific denial of all parts
of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

9. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-174.

10. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-174, finds that the charges and allegations in Accusation No. 2013-174, are separately and severally, found to be true and correct by clear and convincing evidence.

12. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,250.00 as of November 5, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jennifer Lynn Jolly has subjected her Registered Nurse License No. 562189 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of the Code in that on or about March 4, 2010, the State of Illinois Department of Financial and Professional Regulation Division of Professional Regulation ("Illinois Board") issued an Order indefinitely suspending Respondent's license to practice as a Registered Professional Nurse in the

1 disciplinary matter entitled *Department of Financial and Professional Regulation of the State of*
2 *Illinois v. Jennifer Jolly, License Number 041265185* (Case No. 200004321). The circumstances
3 underlying the disciplinary action by the Illinois Board are that pursuant to a Consent Order,
4 effective November 13, 2007, Respondent's Certificate of Registration was placed on a
5 probationary status for a minimum of three years, with terms and conditions. The terms and
6 conditions provided that, among other things, the Respondent shall not ingest alcohol, the
7 Respondent shall not ingest mood or mind-altering drugs, the Respondent shall provide monthly
8 random screens during the probationary period and that the failure, refusal to give the screens,
9 dilution or a positive result shall be a violation of probation. The Respondent failed to
10 demonstrate any compliance with the conditions mentioned in paragraph 12 or any other terms
11 and conditions of the Agreement. On November 6, 2009, a non-compliance letter requesting that
12 the Respondent contact the Illinois Board was sent to the Respondent. Respondent did not reply.
13 On March 20, 2009, the acting Chief of Probations for the Illinois Board attempted to contact the
14 Respondent by phone but no contact could be made.

15 b. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
16 Code in that the Respondent failed to follow the terms and conditions in the November 13, 2007,
17 Consent Order of the Illinois Board. The conduct is described in more particularity in Accusation
18 No. 2013-174, hereby incorporated by reference.

19 c. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
20 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
21 described in more particularity in Accusation No. 2013-174, hereby incorporated by reference.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 562189, heretofore issued to Respondent Jennifer Lynn Jolly, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 28, 2013.

It is so ORDERED FEBRUARY 26, 2013.

Louise K. Bailey, A.Ed., RN
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51188055.DOC
DOJ Matter ID:LA2012507454

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KATHERINE MESSANA
Deputy Attorney General
4 State Bar No. 272953
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-174*

11 **JENNIFER LYNN JOLLY**

12 1000 N. Lasalle, Apt. 608
13 Chicago, IL 61110

A C C U S A T I O N

14 Registered Nurse License No. 562189

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 20, 2000, the Board of Registered Nursing issued Registered
23 Nurse License Number 562189 to Jennifer Lynn Jolly ("Respondent"). The Registered Nurse
24 License expired on July 31, 2001, and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
6 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code
7 provides, in pertinent part, that the Board may renew an expired license at any time within eight
8 years after the expiration.

9 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
10 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
11 disciplinary action during the period within which the license may be renewed, restored, reissued
12 or reinstated.

13 7. California Code of Regulations, title 16, section 1419.3 states:

14 “In the event a licensee does not renew his/her license as provided in
15 Section 2811 of the code, the license expires. A licensee renewing pursuant to this
16 section shall furnish a full set of fingerprints as required by and set out in section
1419(b) as a condition of renewal.

17 (a) A licensee may renew a license that has not been expired for more
18 than eight years by paying the renewal and penalty fees as specified in Section 1417
and providing evidence of 30 hours of continuing education taken within the prior
two-year period.

19 (b) A licensee may renew a license that has been expired for more than
20 eight years by paying the renewal and penalty fees specified in Section 1417 and
21 providing evidence that he or she holds a current valid active and clear registered
nurse license in another state, a United States territory, or Canada, or by passing the
Board's current examination for licensure.”

22 8. Section 2761 of the Code states, in pertinent part:

23 “The board may take disciplinary action against a certified or licensed
24 nurse or deny an application for a certificate or license for any of the following:

25 (a) Unprofessional conduct, which includes, but is not limited to, the
26 following:

26 ...

27 (4) Denial of licensure, revocation, suspension, restriction, or any other
28 disciplinary action against a health care professional license or certificate by another
state or territory of the United States, by any other government agency, or by another

1 California health care professional licensing board. A certified copy of the decision
2 or judgment shall be conclusive evidence of that action.

3 (d) Violating or attempting to violate, directly or indirectly, or assisting
4 in or abetting the violating of, or conspiring to violate any provision or term of this
chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

5 **COST RECOVERY**

6 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Disciplinary Action by the State of Illinois)**

12 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
13 the Code in that on or about March 4, 2010, the State of Illinois Department of Financial and
14 Professional Regulation Division of Professional Regulation ("Illinois Board") issued an Order
15 indefinitely suspending Respondent's license to practice as a Registered Professional Nurse in the
16 disciplinary matter entitled *Department of Financial and Professional Regulation of the State of*
17 *Illinois v. Jennifer Jolly, License Number 041265185* (Case No. 200004321). The circumstances
18 underlying the disciplinary action by the Illinois Board are, as follows:

19 11. Pursuant to a Consent Order, effective November 13, 2007, Respondent's Certificate
20 of Registration was placed on a probationary status for a minimum of three years, with terms and
21 conditions.

22 12. The terms and conditions provided that, among other things, the Respondent shall not
23 ingest alcohol, the Respondent shall not ingest mood or mind-altering drugs, the Respondent shall
24 provide monthly random screens during the probationary period and that the failure, refusal to give
25 the screens, dilution or a positive result shall be a violation of probation.

26 13. The Respondent failed to demonstrate any compliance with the conditions mentioned
27 in paragraph 12 or any other terms and conditions of the Agreement.

1 14. On November 6, 2009, a non-compliance letter requesting that the Respondent
2 contact the Illinois Board was sent to the Respondent. Respondent did not reply. On March 20,
3 2009, the acting Chief of Probations for the Illinois Board attempted to contact the Respondent by
4 phone but no contact could be made.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 15. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
8 Code in that the Respondent failed to follow the terms and conditions in the November 13, 2007,
9 Consent Order of the Illinois Board. The conduct is described in more particularity in paragraphs
10 11 through 14 above, inclusive and hereby incorporated by reference.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Violations of the Nursing Practice Act)**

13 16. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
14 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
15 described in more particularity in paragraphs 10 through 15 above, inclusive and hereby
16 incorporated by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 562189, issued to Jennifer Lynn Jolly;

2. Ordering Jennifer Lynn Jolly to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

September 7, 2012

for

Louise Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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